

LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services
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MEETING MINUTES
April 25, 2008
DES Conference Room
9:00 a.m. - 12:00 p.m.

Members present:

Phil O'Brien, Ph.D., Chair
Wendell Berry
Jim Haney, Ph.D.
Diane Hanley
Mark Hemmerlein
Mitchell E. Kalter
Fred Murphy
Bob Spoerl for Shari Colby
Ken Jordan
Larry Sunderland, Vice Chair
Ken P. Wilson

Representing:

NH Lakes Association
NH Business and Industry Assn
Scientific Community, UNH
Conservation Commissions
Commissioner, DOT
NH Fish & Game Commission
Planning Board
Commissioner, DRED
NH Association of Realtors
Conservation Community
NH Marine Dealers Association

Term:

August 1, 2009
July 8, 2010
August 22, 2010
August 22, 2010
Indefinite
August 22, 2009
August 1, 2008
Indefinite
June 27, 2008
September 19, 2010
August 22, 2008

Members not present:

Jen Cysz	Director, Office of Energy & Planning	Indefinite
Mark Gallagher	Commissioner, DOS	Indefinite
Steve Perry	Director, Fish & Game Dept.	Indefinite
Michele L. Tremblay	State Conservation Committee	August 1, 2009
Vacant	Tourism Industry	Expired
Vacant	Elected Municipal Official	Expired
Vacant	Commissioner, Dept. of Agr., Markets & Food	Indefinite

Staff Present

Jacquie Colburn	Lakes Coordinator, Watershed Management Bureau (WMB)
Jody Connor	Limnology Center Director, WMB
Laura Weit	Asst. Planner, WMB
Darlene Forst	Shoreland Program Coordinator, Wetlands Bureau
Carolyn Guerdet	Admin. Asst., Water Division

Guest via phone:

Derek Durbin	NH Lakes Association
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I. Opening

Chairman O'Brien called the meeting to order at 9:05 am

Minutes

- ***Larry Sunderland made a motion to approve the March 28, 2008 minutes with changes as noted, second by Bud Berry. Vote was unanimous.***

LMAC Appointees:

Kathy Goode from the Governor's office has a possible future appointee from the Travel Council, who will fill Jim Morash's former position.

Ken Jordan, whose term expires in June, will not seek reappointment. The NH Association of Realtors will be submitting a nominee to G&C to replace Ken.

Ken Wilson, whose term expires in August, will be seeking reappointment.

Fred Murphy, whose term expires in August, will be seeking reappointment.

II. Key Discussion Issues

1) **Updates:**

Ossipee Lake Natural Area – Jacquie Colburn

DRED held a second meeting of the State working group in late March. The process that DRED would like to pursue for bringing forward a possible management plan to the public relative to the Natural Area was discussed. Members present were Jacquie - DES, Captain Gallagher - Safety, Dick Boisvert - Cultural Resources and Bob Spoerl, Johanna Lyons, Phil Bryce, and Don Kent - DRED. Don is working on a draft of the plan document. There will be adjustments to the plan as the behavior of the users is observed. Alternatives to the use of the management area were also discussed.

- **Chairman O'Brien asked that the LMAC be allowed to review the document before it goes to the public.**

It was also noted there has been no reply to our letter that was sent in January.

- **Jacquie will ask Don to come to the May 16th meeting.**

The restrictions and plans that were in place last fall regarding the use of the Natural Area are being continued this spring. The signs will be put back up.

Shoreland Protection Act – Darlene Forst

All the laws/amendments passed last year to the Shoreland Protection Act are currently in effect. The rules were adopted March 24, 2008. HB 1151 proposed a roll back of the effective date to July 1, 2008. There will be changes to the impervious surface standards under SB 352. A floor amendment has now been made to HB 1601, a non-environmental bill, to take all of the changes in HB 1151 and attach them to HB 1601. This bill will go to another committee, rather than RR & D, and has a July 1, 2008 effective date. There is a percent limit on impervious surface that works in conjunction with a percentage of area that has to remain unaltered or undisturbed. There will now be post construction inspections. Regulations will also have to be made for the amendments for the stormwater changes and they will be cross-referenced.

Bud Berry commented that this is once again the difficulty of a process that uses the legislature as a source of policy making and the public viewing policy as really a collection of regulations and rules. It is the way we are doing lakes management in this state. He asked the question "Is that in the State's best interest as a way of establishing policy?"

Chairman O'Brien noted that Ossipee Lake Natural Area is a real test of sustainability, of what it should be or might be.

HB710 Commission – Mitch Kalter

Next meeting of the full commission is next Tuesday. Mitch attended the meeting of the Public Access and Water Quality sub-committee. Jacquie explained that she pulled out those sections of the statute as well as the items from the 710 Commission Interim Report pertaining to water quality and public access, for discussion by the subcommittee. Another meeting of the PA and WQ subcommittee is scheduled for May 8th. The other two subcommittees, Existing and Future Leasing and Pricing have also met at least once.

Lake-Related Legislation – Jacquie Colburn

Derek Durbin joined the meeting via phone.

HB 1254 – relative to the ability of towns to regulate the storage and use of deicing chemicals. The Public Works and Municipal Authority Committee met and held a hearing. This is likely to die in the Senate.

HB 1295 – establishing a commission to study issues relating to stormwater. The House has concurred with the Senate amendment and it will be moving forward.

HB 1581 – relative to the formation of stormwater utility districts. The committee's decision was "ought to pass".

HB 1579 – establishing a commission to study issues relating to land development and land development regulation in NH. Senate EE & D has held hearings but there is no word.

HB 1151 – relative to the reporting dates for the instream flow pilot project. This is the bill which the amendment for shoreland effective dates had been attached to.

HB 1601 – an amendment was made on the Senate floor on April 24, 2008 that changed the effective dates for the amendments to the Shoreland Protection Act to July 1, 2008.

SB 358 – relative to mooring permits. Derek reported that the subcommittee voted 4 – 2 to send it to interim study. The one concern about the moorings program is about the public access to moorings. They may try to draft an amendment at the executive session to pass the bill. They want more suitable locations for public moorings fields and define legal access. Derek will inform the LMAC if something transpires as input from LMAC will be valuable.

SB 380 – petitions for boating rules. Tabled in Senate.

SB 384 – relative to the repair of septic systems prior to the sale of waterfront property. Derek reported it has passed both chambers and is waiting a concurrence on the amendment that was attached. The amendment changed the effective date to January 1, 2009 from January 1, 2011 on 4th order rivers. The reason being, DES testified that it would be easier to integrate the education process with what is going on with the Shoreland Protection Act outreach efforts.

SB 417 – relative to the Shoreland Protection Act. Tabled.

Retained 2007 Bills

HB 847 – relative to general rules for vessels operating on water (the speed limit bill). A hearing was held earlier in the week, but the Senate has not yet voted on the bill.

SB 158 – relative to review of activities affecting surface waters. This gave DES the explicit authority to review activities in discharge into public water supplies.

Derek left the meeting.

Guidelines to Local Lake Management and Shoreland Protection Plans

The hard copy of the new draft document which was completed by Laura Weit was distributed to the Committee (it had been sent via email prior to the meeting). This guidance document is required to be done by statute. The Lakes Management Criteria was done in 1996 and it included 106 recommendations relative to the statute. Several recommendations have been implemented. Then the New Hampshire Comprehensive Lake Inventory was developed and distributed last November. The inventory is online and is interactive. The inventory has been used by the lakes management college classes at UNH and at Colby Sawyer College. This year the UNH students studied Willand Pond in Dover and Somersworth and Mirror Lake in Tuftonboro.

Laura and Jacquie then reviewed the draft Guidelines document with the committee. The document takes a watershed approach rather than a lake or shoreline protection approach. The drawings were done by Beth Krumrine, a former assistant planner. The Comprehensive Lake Inventory (CLI) is a subsection of the Guidelines and the goal is to have them work in conjunction with each other. The idea is to have people do the scientific analysis, get the data, and then use the information to develop the plan. This document is designed to help the lay person develop a management plan for their lake. Jim Haney noted this document is well done, as the whole process is presented here. Bud Berry suggested that the LMAC letter be revised to better explain the importance of writing a lake management plan. Laura will work on the changes to the letter and send it out to the LMAC.

This document is now being reviewed internally by Eric Williams, Darlene Forst, Andy Chapman, the Drinking Water and Groundwater Bureau, and externally by OEP. It was requested of the LMAC that comments, suggestions, or revisions be back to Laura or Jacquie by May 9th. At the May 16th meeting of

the LMAC acceptance of the document will be voted upon. The DES Public Information Office will then review and post it on the webpage. The goal is to hold hearings in each of the five councilor districts, as required by the Lakes Program statute, in mid-July through late August.

There was a question as to what would be a reasonable estimate of the cost of doing a management plan like this for a lake. Laura shared that watershed management plans are averaging \$20,000 to \$30,000 over a two year process with regional planning commissions doing the work. Jacquie said most of the technical data would be gathered while doing the lake inventory. Jim Haney suggested the cooperative extension offices as a resource. The regional planning commissions could be used for a fee. There is money available through grants. Fred Murphy noted it would be best to have the local lakes associations do these management plans which would include the stakeholders and community. Putting together this work group is well covered in chapter 2 of the Guidelines document. A fact sheet about the Guidelines document is on the web. After the LMAC approves it, it will be available on the web.

Sustainability Initiative (S.I.)

A Sustainability Initiative Update handout was distributed. From the original document Items. 1, 2, 6 and 7 were chosen to be worked on aggressively and most quickly. It was decided at the last meeting to start working on Item 5. The four that are currently being worked on are:

- 1) Lack of a Coordinated Approach
- 2) Lack of Data and Improve Data Access and Management by Data Users
- 6) Control Invasive Aquatic Species
- 7) Consumptive Use of Surface and Groundwater

Staff is looking to see if anything needs to be addressed for the next legislative budget cycle and a timeline has been proposed. Jacquie noted that on #2, Deb Soule, the bureau database manager, is developing a document library. This will allow the public and staff to research documents based on subject, waterbody, etc. Jacquie noted the LMAC and RMAC subcommittee met to start working on carrying capacity, item #5 from the S.I.

Amy Smagula was in attendance to answer questions regarding the control of aquatic invasive species and staffing of that program. Field mapping and surveying takes a lot of staff time in the summer. They are working with a contractor to develop an underwater surveillance vessel for mapping of milfoil. The suction harvester will be put on the lakes this summer. Prevention, early detection, and rapid response and control have been the main goals for the program. There is a need for additional seasonal staff for all the work this summer.

Amy noted the reports from five of the six federally funded research projects are now on the DES website under the aquatic species program. The sixth is being published and will be posted later. The most successful of the projects was the herbicide research on the 705 herbicide and the suction harvesting. Larry Sunderland asked about the side effects of the herbicides. Amy said herbicides were only used when necessary and are applied by licensed applicators with a very scientific approach. It is very precise. Each waterbody has a long-term management plan that has been developed by Fish and Game and DES and these are referred to before an herbicide is applied. The chemicals used do not kill fish and the herbicides are target specific. Post treatment inspection shows the herbicide is not affecting other aquatic life.

The Lake Host Program will continue. The NH Lakes Association will be receiving \$156,000 this year to implement it. The funding legislation has had the sunset provision removed so it will not lapse.

Didymo has been found in the Connecticut River from just north of Lake Francis to the town of Northumberland, about 44-45 miles. They will continue to monitor it. There is a map on the DES website depicting its distribution in New Hampshire and Vermont.

Townhouse Pond, Milton – Jim Haney

Jim gave his presentation on the water quality work that he has been doing. The town of Milton has been focusing on the water resources and this is a culmination of a year and a half of work.

III. Other Business**Member Updates:**

- 1) Jacquie noted that New England Chapter of North American Lake Management Society (NECNALMS) is having their annual meeting on June 13th and 14th in Fairlee, VT.
- 2) NH Lakes Association will hold their Lakes Fest and Congress on June 25th and 26th in Meredith, at Church Landing.
- 3) Jacquie is assisting the Shoreland Program in a one day workshop for the Shoreland Protection Act on Wednesday, May 28th at Church Landing in Meredith.

Bud Berry reported the Water Pollution Control Association filed a letter regarding phosphorous point source discharges from wastewater treatment facilities. Paul Currier noted that they are working on definitions differentiating lakes and impounded lakes from impounded rivers. He stated they are doing something with the phosphorus standards for lakes.

Jim Haney mentioned that the students will be making a presentation of the management plans that they have developed for Mirror Lake and Willand Pond on Thursday, May 8th from 5:30 – 7 and 7 – 8:30, respectively. This will be at UNH in the Spaulding Building.

- ***Motion to adjourn made by Mitch Kalter and second by Bud Berry. Meeting was adjourned at 12:47 p.m.***